

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of Permit 12365 (Application 17375)  
U. S. Bureau of Reclamation

**ORDER APPROVING MODIFICATION OF THE PERMIT**

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SOURCE: Clear Creek

COUNTY: Shasta

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**WHEREAS:**

1. Permit 12365 was issued to U. S. Bureau of Reclamation on July 28, 1960, pursuant to Application 17375.
2. A request for modification of it's water right permit was filed with the State Water Resources Control Board (SWRCB) on March 15, 2001, and the SWRCB has determined that good cause for such modification has been shown. Notice of the modification request was issued on October 24, 2001, and no protests were received.
3. The SWRCB has determined that the modification to the permit does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The permit conditions relating to the continuing authority and water quality objectives of the SWRCB should be updated to conform to section 780(a) & (b), title 23 of the California Code of Regulations.
5. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

**NOW, THEREFORE, IT IS ORDERED THAT PERMIT 12365 IS AMENDED TO READ AS FOLLOWS:**

1. Condition 9 of the Permit is replaced with the following term:

Permittee shall by-pass or release over, under, around, or through Whiskeytown Dam into the natural stream bed of Clear Creek immediately below said dam for the maintenance of fish and wildlife resource such flows as are provided for in Provision 2.1 of that certain document entitled "Instream Flow Preservation Agreement by and among U. S. Bureau of Reclamation U.S. Fish and Wildlife Service and California Department of Fish and Game", dated August 11, 2000, a copy of which is filed with the State Water Resources Control Board.

2. Condition 10 of the Permit is replaced with the following term:

This Permit is subject to "Agreement between the United States and G.E. Oaks" dated May 23, 1960, a copy of which is filed with the State Water Resources Control Board.

3. The continuing authority condition, shall be updated to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

4. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

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SEE WR 91-01 dated January 10, 1991

ALSO SEE WR 91-03 dated April 1, 1991

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SEE ORDER: WR 92-02, DATED MARCH 19, 1992

[For full information concerning the filling out of this form refer to  
Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

## STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 17375 Filed November 28, 1956, at 1:13 P. M.

(Applicant must not fill in the above blanks)

## APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, U. S. Bureau of Reclamation over  
Name of applicant  
of P. O. Box 2511 Sacramento County of Sacramento  
Address  
State of California, do hereby make application for a permit to appropriate the  
following described unappropriated waters of the State of California, **SUBJECT TO VESTED RIGHTS:**

## Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Clear Creek  
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed  
located in Shasta County, tributary to Sacramento River

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 1900 cubic feet per  
1 cubic foot per second equals 48 statute miner's inches or 646,317 gallons per day  
second, to be diverted from January 1 to December 31 of each year.  
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use 250,000 acre-feet  
1 acre-foot equals 325,851 gallons  
per annum, to be collected between November 1 and April 1 of each season.  
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is power  
Domestic, irrigation, power, municipal, mining, industrial, recreational  
purposes.

4. The point of diversion is to be located Whiskeytown Dam, N 16° E, 2760 feet from SW corner  
State bearing and distance or coordinate distances from section or quarter section corner  
of Section 27, T32N, R6W, MDB&M. For point of redirection see Supplement.

being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$   
State 40-acre subdivision of public land survey or projection thereof  
of Section 27, T. 32N, R. 6W, M. D. B. & M., in the County of Shasta  
Keswick Dam

5. The main conduit terminates in NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 21, T. 32N, R. 5W, M. D. B. & M.  
State 40-acre subdivision of U. S. Government survey or projection thereof

## Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from \_\_\_\_\_  
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being Whiskeytown Dam, 260 feet in height (stream bed to  
level of overflow); 2,150 feet long on top; and constructed of earth and rockfill  
Whiskeytown Dam Concrete, earth, brush, etc.

(c) The storage dam will be 260 feet in height (stream bed to overflow level); 2150 feet  
long on top; have a freeboard of 8' 0" feet, and be constructed of earth and rockfill  
Concrete, earth, etc.

7. Storage Reservoir Whiskeytown Reservoir Sections 4, 5, 8 and 9, T32N, R5W, Sections 15, 16, 20, 21, 28, 29 and 32, T32N, R5W  
The storage reservoir will flood lands in \_\_\_\_\_  
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of 3250 acres, and a capacity of 250,000 acre-feet.

In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

8. Conduit System (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) 18' 6" dia. feet; width at bottom

feet; depth of water 15,400 feet; length 15,400 feet; grade 4.4 feet per 1,000 feet; materials

of construction concrete reinforcement

Penstock (b) Diameter 15' 6" inches; length 2000 feet; grade feet per

1,000 feet; total lift from intake to outlet feet; kind

Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each

clearly on map.

9. The estimated capacity of the diversion conduit or pumping plant proposed is 3600 cubic feet per second

The estimated cost of the diversion works proposed is \$49,927,000.

Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work will begin on or before has begun.

Construction work will be completed on or before JULY, 1964.

The water will be completely applied to the proposed use on or before JULY, 1966.

Description of Proposed Use

11. Place of Use. Spring Creek Powerplant, NW 1/4 of Section 18, T32N, R5W, MDB&M.

State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land

and Keswick Powerplant, NW 1/4 of Section 21, T32N, R5W, MDB&M

40-acre tracts, describe area in a general way and show detail upon map.

Do (es) applicant(s) own the land whereon use of water will be made? Yes or No

Jointly? Yes or No

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1.				
2.				
3.				
4.				

Attach supplement at top of page 3 if necessary.

13. Irrigation Use. The area to be irrigated is acres.

State net acres to be irrigated

The segregation of acreage as to crops is as follows: Rice

acres; alfalfa

acres;

orchard acres; general crops

acres; pasture

acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about

Beginning date

and end about

Closing date

14. Power Use. The total fall to be utilized is

MAXIMUM STATIC HEAD 737

feet.

Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is 3600

cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is 301,500

Second feet  $\times$  fall  $\div$  8.8

horsepower.

The use to which the power is to be applied is for sale except for project operational needs.

For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is turbine

Turbine, Pelton wheel, etc.

The size of the nozzle to be used is X inches.

The water will be returned to Sacramento River in NW 1/4 of SW 1/4

State 40-acre subdivision

Sec. 21, T. 32N, R. 5W, M. D. B. & M.

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2-6-80 Name Chgd to U. S. Water + Power  
Resources Service

Under this application upward to 1,900 c.f.s. of water would flow, via Spring Creek Tunnel, to the Spring Creek Powerplant to fall a maximum of 636 feet developing (theoretically) 137,315 h.p.

This quantity would be rediverted at Keswick Reservoir to fall a maximum of 101 feet and theoretically develop 21,808 h.p.



FORM 61-A

## IMPORTANT

[Please Read Carefully]

1. Note the terms and conditions of this permit. Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Water Rights Board thereof.
2. Neither this application nor the permit is a water right, but if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water—the extent of the right to be determined by a field inspection which will be made by a representative of the State Water Rights Board.
3. No change in point of diversion, or place of use or character of use, can be made under this application and permit without the approval of the State Water Rights Board.
4. If the rights under this permit are assigned immediate notice to that effect with the name and address of the new owner should be forwarded to the State Water Rights Board, Sacramento, California.
5. Please advise immediately of any change of address. Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.

PERMIT No. 12365

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 1900 cubic feet per second by direct diversion to be diverted from January 1, to December 31, of each year and 250,000 acre-feet per annum by storage to be collected from about November 1 of each year to about April 1 of the following year.
2. The maximum amounts herein stated may be reduced in the license if investigation warrants.
3. Actual construction work shall begin on or before June 1, 1961, and shall thereafter be prosecuted with reasonable diligence and if not so commenced and prosecuted, the permit may be revoked.
4. Said construction work shall be completed on or before December 1, 1965.
5. Complete application of water to proposed beneficial use shall be made on or before December 1, 1990.
6. In accordance with Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees and vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.
7. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board.
8. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interests of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
9. Permittee shall by-pass or release over, around or through Whiskeytown Dam into the natural stream bed of Clear Creek immediately below said dam for the maintenance of fish and wildlife resources such flows as are provided for in Provision 1 of that certain document entitled "Memorandum of Operating Agreement for Streamflow Maintenance for the Protection and Preservation of Fish and Wildlife and the Recreational Resources Attendant Upon Clear Creek as Affected by Whiskeytown Dam and its Related Works and Diversions of Water Under Contract with the United States," dated March 31, 1960, a copy of which is filed with the State Water Rights Board.
10. This permit is subject to "Agreement between the United States and G. E. Oaks" and "Agreement between the United States and the Townsend Flat Water Ditch Company", both dated May 23, 1960, copies of which are filed with the State Water Rights Board.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUL 28 1960

STATE WATER RIGHTS BOARD



L. K. Hill  
L. K. Hill  
Executive Officer

15. Municipal Use. This application is made for the purpose of serving \_\_\_\_\_  
Name city or cities, town or towns. Urban areas only

\_\_\_\_\_ having a present population of \_\_\_\_\_

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

16. Mining Use. The name of the mining property to be served is \_\_\_\_\_  
Name of claim

\_\_\_\_\_ and the nature of the mines is \_\_\_\_\_  
Gold placer, quartz, etc.

The method of utilizing the water is \_\_\_\_\_

It is estimated that the ultimate water requirement for this project will be \_\_\_\_\_  
Cubic feet per second, gallons per minute. State basis of estimate

The water ☐ will ☐ will not be polluted by chemicals or otherwise \_\_\_\_\_  
Explain nature of pollution, if any

and it ☐ will ☐ will not be returned to \_\_\_\_\_ in \_\_\_\_\_ of \_\_\_\_\_  
Name stream State 40-acre subdivision

Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_, \_\_\_\_\_ B. & M.

17. Other Uses. The nature of the use proposed is \_\_\_\_\_  
Industrial, recreational, domestic, stockwatering, fish culture, etc.

State basis of determination of amount needed. \_\_\_\_\_  
Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

\_\_\_\_\_ industrial use, and unit requirements.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## General

18. Are the maps as required by the Rules and Regulations filed with Application? ☒ Yes ☐ No. If not, state specifically the time required for filing same \_\_\_\_\_  
Yes or No

19. Does the applicant own the land at the proposed point of diversion? ☒ No ☐ Yes. If not, give name and address of owner and state what steps have been taken to secure right of access thereto. Agreements will be made with owners.

20. What is the name of the post office most used by those living near the proposed point of diversion?

Shasta, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? G. E. Oaks, et al, Redding, California. Diverters from the Saeltzler Dam.

[SIGNATURE OF APPLICANT]

/s/

A. N. Murray

Acting Regional Director